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Customer Number

Patent
Case No.: 58686US003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: WEBB, LAWRENCE X.

Application No.: 09/553683

Confirmation No.: 6497

Filed: April 21, 2000

Group Art Unit: 3768

Title: SURGICAL TARGETING SYSTEM

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Dear Sir:

This is in response to the Notice of Non-Compliant Appeal Brief mailed June 4, 2007.

Fees

- ☒ Please charge any fees under 37 CFR §§ 1.16 and 1.17 which may be required to Deposit Account No. 13-3723. (One copy of this sheet marked duplicate is enclosed.)
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- ☒ Please credit any overpayment to the same deposit account.
- DUPLICATE**

Application No.: 09/553,683

Case No.: 58686US003

Request for Extension of Time

Under the provisions of 37 CFR § 1.136(a), Applicant(s) petitions to extend the period for filing a reply in the above-identified application as follows: (check time period desired):

- ☐ 37 CFR § 1.17(a)(1) - Extension within first month.
☒ 37 CFR § 1.17(a)(2) - Extension within second month.
☐ 37 CFR § 1.17(a)(3) - Extension within third month.

Fees Associated with Extension

Payment of the fee for any requested extension is authorized in the above fee section.

Application No.: 09/553,683

Case No.: 58686US003

REMARKS

The following remarks are submitted in response to the Communication from the Examiner dated June 4, 2007. The Examiner states that the Appeal Brief filed on October 11, 2005 is defective because the brief fails to satisfy the elements of 37 CFR 41.37(c)(1)(v). Attached is an amended Summary of Claimed Subject Matter. Applicants respectfully submit that they have overcome the objection to the Appeal Brief filed on October 11, 2005.

Respectfully submitted,

September 4, 2007 By: Nancy M. Lambert
Date Nancy M. Lambert, Reg. No.: 44,856
Telephone No.: 651-733-2180

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

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Application No.: 09/553,683

Case No.: 58686US003

SUMMARY OF CLAIMED SUBJECT MATTER

The following is a summary of Appellants' invention as recited in independent claims 30, 47, 53, 57, 61, 62, 64, 68 and 71.

Appellants' invention, as recited in independent claim 30, is directed to a sterile surgical drape comprising: a radio-lucent sheet; adhesive on a major surface of the radio-lucent sheet; a radio-opaque pattern on the sterile surgical drape, wherein the radio-opaque pattern comprises a perimeter, an interior within the perimeter, and a plurality of intersections distributed within the interior of the radio-opaque pattern; and a plurality of unique radio-opaque labels on the sterile surgical drape, wherein each radio-opaque label of the plurality of unique radio-opaque labels is located at one intersection of the plurality of intersections in the radio-opaque pattern, and wherein a plurality of uniquely labeled intersections are provided in the interior of the radio-opaque pattern on the sterile surgical drape. Exemplary embodiments of a drape according to claim 30 can be found in the application as filed at, e.g., page 9, lines 1-18; page 18, lines 15-26; page 19, lines 11-27; page 21, lines 15-23; page 27, line 11 to page 28, line 4; page 38, line 19 to page 39, line 4; and Figures 1-8, 10, 12, 13-15, 17-23, 25, 32.

Appellants' invention, as recited in independent claim 47, is directed to a sterile surgical drape comprising: a radio-lucent sheet; adhesive on a major surface of the radio-lucent sheet; a radio-opaque pattern on the sterile surgical drape, wherein the radio-opaque pattern comprises a first set of lines and a second set of intersecting lines, wherein the first set of lines and the second set of intersecting lines form a plurality of intersections; and a plurality of radio-opaque labels on the sterile surgical drape, wherein each radio-opaque label of the plurality of radio-opaque labels is located at one intersection of the plurality of intersections in the radio-opaque pattern to provide a plurality of labeled intersections on the sterile surgical drape; wherein every intersection of the plurality of intersections comprises one of the radio-opaque labels such that every intersection of the plurality of intersections comprises one of the labeled intersections of the plurality of labeled intersections; and wherein the radio-opaque label at each labeled intersection of the plurality of labeled intersections is unique. Exemplary embodiments of a drape according to claim 47 can be found in the application as filed at, e.g., page 9, lines 1-18; page 18, lines 15-26; page 19, lines 11-27; page 21, lines 15-23; page 27, line 11 to page 28, line 4; page 38, line 19 to page 39, line 4; and Figures 3, 25-28, 31-32, 34, 36.

Application No.: 09/553,683

Case No.: 58686US003

Appellants' invention, as recited in independent claim 53, is directed to a sterile surgical drape comprising: a radio-lucent sheet comprising a central cutout and a slit extending outward from the central cutout; adhesive on a major surface of the radio-lucent sheet; a radio-opaque pattern on the sterile surgical drape, wherein the radio-opaque pattern comprises a plurality of intersections, wherein the radio-opaque pattern comprises a first set of lines and a second set of intersecting lines, wherein the first set of lines and the second set of intersecting lines form a plurality of intersections and further wherein the lines in the first set of lines are concentric circles and the lines in the second set of lines are radially oriented with respect to the concentric circles of the first set of lines; and a plurality of radio-opaque labels on the sterile surgical drape, wherein each radio-opaque label of the plurality of radio-opaque labels is located at one intersection of the plurality of intersections in the radio-opaque pattern to provide a plurality of labeled intersections on the sterile surgical drape. Exemplary embodiments of a drape according to claim 53 can be found in the application as filed at, e.g., page 9, lines 1-18; page 18, lines 15-26; page 19, lines 11-27; page 21, lines 15-23; page 27, line 6 to page 28, line 4; page 32, line 23 to page 33, line 19; page 38, line 19 to page 39, line 4; and Figures 31-36.

Application No.: 09/553,683

Case No.: 58686US003

Appellants' invention, as recited in independent claim 57, is directed to a medical imaging method comprising: adhering a sterile surgical drape to a patient, wherein the sterile surgical drape comprises a radio-lucent sheet and a radio-opaque pattern on the sterile surgical drape, wherein the radio-opaque pattern comprises a perimeter, an interior within the perimeter, and a plurality of intersections distributed within the interior of the radio-opaque pattern, and a plurality of unique radio-opaque labels on the sterile surgical drape, wherein each radio-opaque label of the plurality of unique opaque labels is located at one intersection of the plurality of intersections in the radio-opaque pattern, and wherein a plurality of uniquely labeled intersections are provided in the interior of the radio-opaque pattern on the sterile surgical drape; and directing imaging radiation at the patient and through the sterile surgical drape, wherein an image is obtained that includes a pattern image corresponding to the radio-opaque pattern on the sterile surgical drape, the pattern image comprising a plurality of label images corresponding to the radio-opaque labels on the sterile surgical drape. Exemplary embodiments of a method according to claim 57 can be found in the application as filed at, e.g., page 9, lines 1-18; page 18, lines 15-26; page 19, lines 11-27; page 21, lines 15-23; page 27, line 11 to page 28, line 4; page 38, line 19 to page 39, line 4; and Figures 1-2, 6-23, 25.

Appellants' invention, as recited in independent claim 61, is directed to a medical imaging method comprising: adhering a sterile surgical drape to a patient, wherein the sterile surgical drape comprises: a radio-lucent sheet; a radio-opaque pattern on the sterile surgical drape, wherein the radio-opaque pattern comprises a first set of lines and a second set of intersecting lines, wherein the first set of lines and the second set of intersecting lines form a plurality of intersections, and a plurality of radio-opaque labels on the sterile surgical drape; wherein each radio-opaque label of the plurality of radio-opaque labels is located at one intersection of the plurality of intersections in the radio-opaque pattern to provide a plurality of labeled intersections on the sterile surgical drape; wherein every intersection of the plurality of intersections comprises one of the radio-opaque labels such that every intersection of the plurality of intersections comprises one of the labeled intersections of the plurality of labeled intersections; and wherein the radio-opaque label at each labeled intersection of the plurality of labeled intersections is unique; directing imaging radiation at the patient and through the sterile surgical drape, wherein an image is obtained that includes a pattern image corresponding to the radio-opaque pattern on the sterile surgical drape, the pattern image comprising a plurality of label images corresponding

Application No.: 09/553,683

Case No.: 58686US003

to the radio-opaque labels on the sterile surgical drape. Exemplary embodiments of a method according to claim 61 can be found in the application as filed at, e.g., page 9, lines 1-18; page 18, lines 15-26; page 19, lines 11-27; page 21, lines 15-23; page 27, line 11 to page 28, line 4; page 38, line 19 to page 39, line 4; and Figures 3, 25-28, 31-36.

Appellants' invention, as recited in independent claim 62, is directed to a medical imaging method comprising: adhering a sterile surgical drape to a patient, wherein the sterile surgical drape comprises: a radio-lucent sheet comprising a central cutout and a slit extending outward from the central cutout; a radio-opaque pattern on the sterile surgical drape, wherein the radio-opaque pattern comprises a first set of lines and a second set of intersecting lines, wherein the first set of lines and the second set of intersecting lines form a plurality of intersections and further wherein the lines in the first set of lines are concentric circles and the lines in the second set of lines are radially oriented with respect to the concentric circles of the first set of lines; and a plurality of radio-opaque labels on the sterile surgical drape, wherein each radio-opaque label of the plurality of radio-opaque labels is located at one intersection of the plurality of intersections in the radio-opaque pattern to provide a plurality of labeled intersections on the sterile surgical drape; and directing imaging radiation at the patient and through the sterile surgical drape, wherein an image is obtained that includes a pattern image corresponding to the radio-opaque pattern on the surgical drape, the pattern image comprising a plurality of label images corresponding to the radio-opaque labels on the sterile surgical drape. Exemplary embodiments of a method according to claim 62 can be found in the application as filed at, e.g., page 9, lines 1-18; page 18, lines 15-26; page 19, lines 11-27; page 21, lines 15-23; page 27, line 6 to page 28, line 4; page 32, line 23 to page 33, line 19; page 38, line 19 to page 39, line 4; and Figures 31-36.

Appellants' invention, as recited in independent claim 64, is directed to a medical imaging method comprising: applying a sterile surgical drape to a patient by unrolling a cylindrical portion of the sterile surgical drape onto an extremity, finger or other appendage of the patient, wherein the surgical drape comprises: a radio-lucent sheet forming the cylindrical portion of the surgical drape; and a radio-opaque pattern on the sterile surgical drape, wherein the radio-opaque pattern comprises a plurality of intersections, and a plurality of radio-opaque labels on the sterile surgical drape, wherein each radio-opaque label of the plurality of radio-opaque labels is located at one intersection of the plurality of intersections in the radio-opaque pattern to

Application No.: 09/553,683

Case No.: 58686US003

provide a plurality of labeled intersections on the sterile surgical drape; directing imaging radiation at the patient and through the sterile surgical drape, wherein an image is obtained that includes a pattern image corresponding to the radio-opaque pattern on the sterile surgical drape, the pattern image comprising a plurality of label images corresponding to the radio-opaque labels on the sterile surgical drape. Exemplary embodiments of a method according to claim 64 can be found in the application as filed at, e.g., page 9, lines 1-18; page 18, lines 15-26; page 19, lines 11-27; page 21, lines 15-23; page 27, line 11 to page 28, line 4; page 32, lines 7-21; and page 38, line 19 to page 39, line 4.

Appellants' invention, as recited in independent claim 68, is directed to a sterile surgical drape comprising: a radio-lucent sheet comprising a central cutout and a slit extending outward from the central cutout; adhesive on a major surface of the radio-lucent sheet; a radio-opaque pattern on the sterile surgical drape, wherein the radio-opaque pattern comprises a perimeter, an interior within the perimeter, and a plurality of intersections distributed within the interior of the radio-opaque pattern, and wherein the radio-opaque pattern comprises a first set of lines and a second set of intersecting lines, wherein the first set of lines and the second set of intersecting lines form a plurality of intersections and further wherein the lines in the first set of lines are concentric circles and the lines in the second set of lines are radially oriented with respect to the concentric circles of the first set of lines; and a plurality of unique radio-opaque labels on the surgical drape, wherein each radio-opaque label of the plurality of unique radio-opaque labels is located at one intersection of the plurality of intersections in the radio-opaque pattern, and wherein a plurality of uniquely labeled intersections are provided in the interior of the radio-opaque pattern on the sterile surgical drape. Exemplary embodiments of a drape according to claim 68 can be found in the application as filed at, e.g., page 9, lines 1-18; page 18, lines 15-26; page 19, lines 11-27; page 21, lines 15-23; page 27, line 6 to page 28, line 4; page 32, line 23 to page 33, line 19; page 38, line 19 to page 39, line 4; and Figures 31-36.

Appellants' invention, as recited in independent claim 71, is directed to a sterile surgical drape comprising: a radio-lucent sheet; adhesive on a major surface of the radio-lucent sheet; and a radio-opaque pattern on the sterile surgical drape, wherein the radio-opaque pattern comprises a plurality of radio-opaque lines and a plurality of unique radio-opaque labels on the sterile surgical drape, wherein at least one line of the plurality of radio-opaque lines comprises a series

Application No.: 09/553,683Case No.: 58686US003

of discrete shapes. Exemplary embodiments of a drape according to claim 30 can be found in the application as filed at, e.g., page 9, lines 1-18; page 18, line 15 to page 19, line 9; page 26, lines 25-27; page 27, line 11 to page 28, line 4; page 38, line 19 to page 39, line 4; and Figures 1-2, 5-8, 10, 12, 13-24, 29-30.